

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MARK A. ANDERSON

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:10CV617-TSL-MTP

CITY OF MCCOMB, et al.

DEFENDANTS

ORDER

THIS MATTER came before the court on the Plaintiff's Motion [70] for Rehearing. Having considered the submissions of the parties and the applicable law, the court finds that the Plaintiff's Motion [70] should be denied.

In his motion, Plaintiff asks the court to reconsider its Order [68] denying his request to compel Gregory Martin's personnel file. As noted by Plaintiff, the court's Order stated, "from the court's review, the requests at issue in the Motion to Compel [52] do not request [Mr. Martin's personnel] file." *See* Order [68] at 2.

While Plaintiff's Motion [52] does reference an outstanding request for Mr. Martin's personnel file (page 4, paragraph 8),¹ the requests identified by Plaintiff as "deficient" and quoted in the Motion [52] (request numbers 10, 12, 14) do not. Plaintiff's passing reference to the outstanding request does not comply with the local rules. *See* L.U. Civ. R. 37(b) ("Motions raising issues concerning discovery propounded under Fed. R. Civ. P. 33, 34, 36, and 37, must quote verbatim each . . . request for production . . . to which the motion is addressed, and must state (1) the specific objection, (2) the grounds assigned for the objection . . . and (3) the reasons assigned as supporting the motion.") Further, as noted by Defendants, the request for Mr.

¹The motion states, "Discovery requests are also outstanding for a complete copy of Gregory Martin's personnel file with the City of McComb. *Please See* Docket No. 39." Motion [52] at 4.

Martin's file was untimely. *See* Fed. R. Civ. P. 34(b)(2)(A); Case Management Order [10].

Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [70] for Rehearing is denied.

SO ORDERED this the 10th day of January, 2012.

s/ Michael T. Parker

United States Magistrate Judge